



RE: Finalizing the TMDL

**Schregardus, Donald R SES OASN (EI&E), DASN
(Environment)**

Ch
to: uc 12/28/2010 04:38 PM
k

Cc: mboots, jpeterson, Shawn Garvin, James Edward, Robert Wood,
Jeffrey Corbin, Jon Capacasa, kmiller

Follow Up: Urgent Priority.

Thanks Chuck.

Respectfully,
Don Schregardus
Deputy Assistant Secretary
Department of Navy

-----Original Message-----

From: Fox.Chuck@epamail.epa.gov [mailto:Fox.Chuck@epamail.epa.gov]
Sent: Tuesday, December 28, 2010 3:13 PM
To: Schregardus, Donald R SES OASN (EI&E), DASN (Environment)
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kmiller@omb.eop.gov
Subject: Finalizing the TMDL

Don,

Thanks for your message this morning indicating Department of Navy's agreement with EPA's statement characterizing the Chesapeake Bay TMDL and state watershed implementation plans (WIPs) and how the TMDL and WIPs pertain to urban stormwater at federal facilities. The statement we agreed on is as follows:

The TMDL establishes load allocations (LAs) and wasteload allocations (WLAs) by pollutant, discharger sector, basin and state necessary to achieve the applicable water quality standards for the Chesapeake Bay and its tidal tributaries. LA's are for nonpoint sources and some unregulated point sources, and WLA's are for current and potentially regulated point sources. These allocations, in essence, are pollutant loadings per unit of time that must be achieved in order to attain the applicable water quality standards, and they serve as a target for implementation of pollutant load reductions. The TMDL is an EPA action. It is informed by state watershed implementation plans (WIPs). The WIP is a state document. EPA does not formally approve or disapprove state WIPs.

When establishing the TMDL, EPA considers the content of the state WIP and the level of reasonable assurance the WIP provides that the TMDL will be achieved. The TMDL itself does not prescribe the specific methods or mechanisms the state's point and nonpoint source pollution control programs must employ to achieve the allocations. Therefore, the state has considerable latitude to determine and implement the appropriate mix of point and nonpoint source controls and measures by discharge sector that will assure achievement of the allocations.

The narrative portion of VA's WIP expresses an intent to achieve greater pollutant load reduction rates from federal facilities in the urban stormwater sector than from non federal facilities in that sector. However, the quantitative portion of VA's WIP (the input deck) does not quantitatively specify the pollutant load reductions from urban stormwater federal facilities needed to achieve the urban stormwater WLAs--It more generally quantifies the pollutant load reductions needed from the entire urban stormwater sector necessary to achieve VA's pollutant allocations. In establishing the Bay TMDL, EPA did not formally approve or disapprove VA's WIP or any of its components. Nor does the TMDL include urban stormwater WLAs specific to federal facilities or text specific to urban stormwater or specific stormwater practices for federal facilities.

We look forward to discussing this issue further in January. Happy holidays.

J. Charles Fox
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